

Appi. No. 09/901,526

Amdt. dated December 20, 2004

Reply to Office action of October 20, 2004

REMARKS/ARGUMENTS

Reconsideration of the application is once more requested.

Claims 12-26 are in the application. None of the claims have been amended.

The claims have once more been rejected over yet another combination of prior art references. The rejection of claims 12-26 is over a combination of Thakur et al. (US 6,287,628) with the secondary reference Aiso et al. (US 6,376,328) under 35 U.S.C. § 103(a). We respectfully traverse.

The secondary reference Aiso et al. has a United States filing date of June 1, 2000. 35 U.S.C. § 102(e). The instant application is based on a German priority application of July 7, 2000 and the invention underlying the application was made prior to June 1, 2000. Enclosed herewith is a Declaration, signed by all of the named inventors, swearing to a reduction to practice of the instant application prior to June 1, 2000. The invention disclosure is of record in this application and it forms the corroborating evidence required for the Declaration under 37 CFR § 1.131. The secondary reference, therefore, is not available as prior art against the instant application.

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In view of the foregoing, the rejection of claims 12-26 is moot. The Examiner is respectfully urged to issue a Notice of Allowance.

Respectfully submitted,



For Applicants

WERNER H. STEMER
REG. NO. 34,956

WHS:tk

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Lerner and Greenberg, P.A.
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101